

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMAAL A. MCNEIL,

)

8:09CV281

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Plaintiff,

)

)

v.

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**MEMORANDUM
AND ORDER**

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UNITED STATES OF AMERICA, et

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al.,

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)

Defendants.

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This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis (filing no. [2](#)) and other motions filed by Plaintiff. The court is aware that Plaintiff recently filed a Petition for Writ of Mandamus in the Eighth Circuit which relates to this matter. (See Eighth Circuit Case No. 09-3037, Filing No. 1.) That Petition requests that the Eighth Circuit "compel" the undersigned judge "to render a judgment" in his favor in this matter. (*Id.*) The court is prepared to issue a ruling in this matter which will deny all pending motions and will dismiss Plaintiff's claims. However, the court will defer its ruling until after the Eighth Circuit resolves the pending Petition for Writ of Mandamus.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed In Forma Pauperis (filing no. [2](#)) and all pending motions are held in abeyance pending resolution of Plaintiff's Petition for Writ of Mandamus, filed in the Eighth Circuit as Case No. 09-3037.

2. The Clerk of the court is directed to forward a copy of this Memorandum and Order to the Eighth Circuit Court of Appeals.

September 1, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge